

IN SENATE OF THE UNITED STATES.

JUNE 24, 1848.

Submitted, and ordered to be printed.

Mr. DOWNS made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the petition of the Seneca, Onondaga and Cayuga Indians, praying the reimbursement of expenses incurred in an ineffectual attempt to emigrate to the territory assigned them in the southwest, and that homes may be provided for them in the northern portion of the United States, report:

For the reasons given in the letter of the Commissioner of Indian Affairs, dated 10th June, 1848, and which is annexed to and made a part of this report, the committee are of opinion that the prayer of the petitioners cannot be granted, without a departure from the rules usually observed towards Indians, under similar circumstances; and, therefore, recommend that it be rejected.

WAR DEPARTMENT,

Office Indian Affairs, June 10, 1848.

SIR: I have the honor to return, herewith, the two memorials from certain New York Indians, left by you at this department; one addressed to the Senate and House of Representatives, and the other to the New York and Massachusetts delegations in Congress. The Indians, from whom the memorials emanate, are those who removed west of the Mississippi in 1846, and returned again to New York last fall.

These papers are so vague that it is found somewhat difficult to understand clearly what are their specific objects or purposes. Reference is made to a petition recently addressed to the President for indemnification to the amount of \$6,000, expended from their private means during their emigration and stay in the west. No such petition has reached this department, and no information or evidence of any such expenditure has been received. A communication addressed to this office, in reference to the proportion due the emigrants of the annuities and funds, belonging to the New York Indians generally, under existing treaties, was received

a short time since, a copy of which and of the answer thereto are herewith annexed.

The main objects of the memorialists seem to be, however, to secure a right to part of the lands on the upper Mississippi, recently purchased of the Chippewa Indians for the Winnebagoes, and such other northern Indians as may prefer a home in that quarter; and to have allotted to them a proportion of the \$400,000, stipulated for various objects in the 15th article of the treaty of 1838, with the "Six Nations of New York."

On these points, I have respectfully to remark, that the portion of the northern purchase referred to, which may not be occupied by the Winnebagoes, was intended for certain northern Indians, principally in Wisconsin, who may hereafter have to be removed. It is not sufficient for those of New York, which, should they ever emigrate from that State, should be located together. The treaty of 1838 sets apart for them a country south of the Missouri river, from which, or the vicinity of which, the memorialists recently returned; and although from fortuitous and unforeseen circumstances and causes, fully explained in my annual report for 1847, the emigration of these people turned out unfortunately for some of them, in consequence of sickness and suffering, which caused their return to New York, it is believed that they could be established as comfortably and prosperously in that section as elsewhere; inasmuch as Indians from farther north than those in New York live in the immediate vicinity, and are as healthy and prosperous as any of our western tribes.

A proportion of the \$400,000, referred to, is asked without any obligation being imposed to remove from New York. That fund was specially intended to defray the expenses of the removal of the New York Indians to the west, and their comfortable establishment there; and not a dollar of it can properly be expended or applied except in that way; removal is a condition precedent. Moreover, the memorialists, while they remain in New York, are precisely on the same footing with their brethren there; being entitled to their just proportion of all dues, under existing treaties, in the same manner as if they remained west; and to grant their application would be to confer upon them special benefits beyond the rest of the New York Indians.

Very respectfully, your obedient servant,

W. MEDILL.

Hon. D. R. ATCHISON,

Chairman Committee on Indian Affairs, Senate.

CATTARAUGUS RESERVATION,

May 7, 1848.

SIR: Your friends, the emigrant Senecas, who emigrated to our treaty home, numbered sixty-two, (besides Spencer Cone, who went before us,) in their names, are ready to be produced, if necessary;

but are supposed to be in your books. Their items of annuities are the \$6,000 United States annuity; the second, the goods annuity, and the interest on the \$75,000 from the Ogden company, full due, whilst we were absent from New York, and in the Indian country.

Major Harvey, United States superintendent at St. Louis, told us that Mr. Bunch, local agent for the Osages, had, at one time, our portion of these dues in his hands, \$478 65, whilst we were at the west; but, for some cause or other, that he, Mr. Bunch, saw fit to return the same to Washington.

We never received our share, and now need it very much. Will you have the goodness to inform us what is necessary for us to do, in order, speedily, to realize our share of said annuities; as we have incurred debts on the strength of these claims, and are greatly in want of it.

We remain your friends and brothers,

GEORGE FOX,

his

GEORGE + JAMISON,

mark.

Chiefs, and in behalf of said emigrants.

P. S. As to "rations." Many of us did not, as you will see by accompanying papers on that head, get our rations. Are we not entitled to money in lieu, it not having been our fault?

GEORGE FOX,

his

GEORGE + JAMISON,

mark.

Emigrant chiefs.

We wish you to call on the Secretary of War, to have Mr. Thomas B. Stoddard, esq., see him, the Secretary of War.

G. F., }
G. J., } *Chiefs.*

To Hon. W. MEDILL,

Commissioner of Indian Affairs.

WAR DEPARTMENT,

Office Indian Affairs, June 2, 1848.

GENTLEMEN: Your letter of the 7th of May has been received.

As you are aware, the proportionate share of the annuities due the emigrant New York Indians, for the year 1846, was remitted west, and placed in the hands of Sub-agent Bunch for disbursement, and that the latter, disregarding his instructions, failed to pay the money over.

Since then, he has been repeatedly ordered to refund the money to the United States, which he has not done; and, as the only

means left to recover the amount, the department has been compelled to order suit against the sureties on his bond. As soon as recovered, it will be promptly remitted to your agent, with suitable instructions for its payment to those entitled. It is not in the power of the department to adopt any other course in the matter, as there are no funds under its control which could be applied to the payment of the claimants.

This office is not now prepared to say whether such of the emigrants as did not draw their rations west can be permitted to receive money in lieu. The question will be decided on the presentation of such claims to the department, fully and properly attested.

Very respectfully, your obedient servant,

W. MEDILL.

Messrs. G. Fox and G. JAMISON,

Ellicottville, New York.